

Deborah.Easterling

From: joe4ocean@aim.com
Sent: Friday, June 28, 2013 2:29 PM
To: PSC_Contact; joe4ocean@aim.com; jfantry@bellsouth.net; selliott@elliottlaw.us; rlwhitt@austinrogerspa.com; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; Edwards, Courtney; Edwards, Nanette; Hudson, Shannon; heather.smith@duke-energy.com; alex.castle@duke-energy.com; timika.shafeek-horton@duke-energy.com; fellerbe@robinsonlaw.com
Subject: Docket No. 2013-59-E
Attachments: Amend_Memo_2013-59-E_Page1.bmp; Amend_Memo_2013-59-E_Page2.bmp

The Honorable Jocelyn Boyd

Dear Ms. Boyd:

Please find enclosed for filing are two pages of :

AMENDED MEMORANDUM to MOTION for RECONSIDERATION of COMMISSION DIRECTIVE – doc # [244725](#) in form of scanned two pages.

Originally signed document for filling is sent via USPS to your Clerk's Office.

Two copies are sent via USPS to

(a) Bonnie Shealy
1901 Main Street //S. 1200 ?? POB 944
COLUMBIA, SC 29202

(b) John Wiebel
105 Mansion Circle
PIEDMONT, SC 29673-7849

Rest addressees will receive this e-mail with attachments.

*Respectfully submitted,
Joseph "Joe" Wojcicki*

-----Original Message-----

From: Toni Hawkins <THawkins@robinsonlaw.com>
To: 'jfantry@bellsouth.net' <jfantry@bellsouth.net>; 'sellott@elliottlaw.us' <[sellott@elliottlaw.us](mailto:selliott@elliottlaw.us)>; 'rlwhitt@austinrogerspa.com' <rlwhitt@austinrogerspa.com>; 'sroberts@spilmanlaw.com' <sroberts@spilmanlaw.com>; 'dwilliamson@spilmanlaw.com' <dwilliamson@spilmanlaw.com>; 'joe4ocean@aim.com' <joe4ocean@aim.com>; 'cedwards@regstaff.sc.gov' <cedwards@regstaff.sc.gov>; 'nsedwar@regstaff.sc.gov' <nsedwar@regstaff.sc.gov>; 'shudson@regstaff.sc.gov' <shudson@regstaff.sc.gov>
Cc: 'heather.smith@duke-energy.com' <heather.smith@duke-energy.com>; 'alex.castle@duke-energy.com' <alex.castle@duke-energy.com>; 'timika.shafeek-horton@duke-energy.com' <timika.shafeek-horton@duke-energy.com>; Frank R. Ellerbe III <fellerbe@robinsonlaw.com>; Bonnie D. Shealy <BShealy@robinsonlaw.com>
Sent: Thu, Jun 27, 2013 11:56 am

Subject: Docket No. 2013-59-E - Duke Energy Carolinas, LLC's Return in Opposition to Motion for Reconsideration of Joseph Wojcicki

Please see attached Duke Energy Carolinas, LLC's Return in Opposition to Motion for Reconsideration of Joseph Wojcicki which has been filed electronically with the Commission.

Thank you,
Toni



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STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET No. 2013-59-E

IN MATTER OF:	
Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges	AMENDED MEMORANDUM to MOTION for RECONSIDERATION of COMMISSION DIRECTIVE – doc # <u>244725</u>

For further clarification of my, Joseph Wojcicki's standing in above case I am forced to review *de novo* and extend reasons given, *inter alia* in Tom Clements' Response to Duke Objection, dated 2011 March 24 in another Duke Energy Carolinas (Duke) financial request sent to the same Public Service Commission (PSC) then in docket # 2011-20-E.

It is now clear that Duke Legal Team (DLT) uses irrelevant and not updated (old) opinions and bald statements to mislead Commission, especially Ms. Fleming. False, factually unsupported claims were resulting in wrong Directive to block interventions from an independent engineer who has almost outstanding standing. DLT never explained with even a one detailed argument why they [false] claim "that Mr. Wojcicki failed to meet the threshold required to qualify...". So what is, according to DLT, the value (DLT imaginary/hypothetical number) of this point in the criterion that Ms. Fleming shall measure to be fair with Commission's Mission? *De facto* Wojcicki exceed any number of real facts, logically necessary, because it is greater than Mr. Clements' ones approved for Commission by Order 2011-264.

Additionally, new facts of Duke's mismanagement were revealed at the hearing on 2013 June 24 in Greenville (e.g. Edward Paxton – the witness under oath) increasing threat of an unfair competition to SCANA Corporation in which I have direct personal interest as their shareholder.

PSC could recall the finding of a Duke's completely disrespected knowledge of Federal Legislation in the [smart] Grid case in the docket # 2008-447-E. Here DLT did not contest, because they cannot have arguments, that the Domino Effect of their rate / charges' hike will affect directly Wojcicki's higher cost of kWh even the payments are collected by other SC utility. By the way, PSC rejected Duke's argument that Clements is not their customer.

DLT, in the rewritten from Direction statement did not mention the name of Mr. Tom Clements who received his intervenor status in their other financial request case under the same Commission. The overruling their objection Order has # 2011-264. The same overruling Duke objection shall be applied to Wojcicki's Petition.

Now, for reason of equal justice I have to cite just a few Clements' standing arguments fully accepted by PSC in docket 2011-20-E.

Clements wrote down a sum of \$229 million requested then by Duke for their nuclear project that is an unfair competitor to SCANA/SCE&G similar nuclear project in Jenkinsville. Clements demonstrated in his Petition to have personal stake / direct interest / injury that PSC found to be correct despite Duke Objection.

In the matter of Broad River which is sought to be a source of cooling water for both nuclear projects, Clements indicates "a total [DLT] ignorance of the geography of the state of South Carolina..." My situation and needs are similar to Mr. Clements and even more - Duke intention for withdrawing water from upstream Broad River will control/regulate inflow to SCE&G Parr reservoir creating serious problems to already licensed SCE&G as well to individuals (Clements and Wojcicki) who are not "relating to general interests common to all members of the public in SC.". PSC shall not be misled by different words that DLT uses to twist the facts.

"Such injury to one's 'use and enjoyment' of natural resources from a proposed activity represents a 'direct stake in the permitting decision, and therefore...sufficiently alleges standing.' Smiley v. SC Dept Of Health, 374 S.C. 326 at 333, 649 S.E.2d 31 (2007)". Please, e.g. compare cases from year 2007 and 1985.

"In FRIENDS OF THE EARTH v. GASTON COPPER REC., 204 F.3d 149 (4th Cir. 2000), the United States Court of Appeals, Fourth Circuit states in a ruling in the year 2000 that 'The Supreme Court has consistently recognized that threatened rather than actual injury can satisfy Article III standing requirements. See, e.g., Valley Forge, 454 U.S. at 472; Gladstone Realtors v. Village of Bellwood, 441 U.S. 91, 99 (1979).'

The court in the Gaston Copper case went on to **reverse** a lower court ruling and determined that standing was granted to parties impacted **downstream** from a copper facility located on the Edisto River in South Carolina."

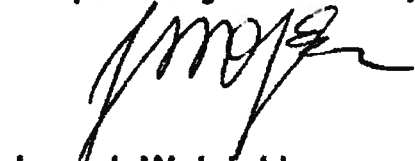
Clements also stated that "Duke...will impact me directly as an energy consumer in the state of SC, which is lacking a sound state-wide energy policy." Wojcicki already cooperated several times with USA and SC representatives and can now deliver necessary knowledge in the fair and open process before PSC.

In perspective of possible sabotage, Clements requested the hearing on this specific matter if PSC would deny his Petition. Fairness points to same rights for Wojcicki.

In this letter, I have used just a part of Clements' Petition and Response to emphasize facts to my Motion, Response and Petition that became ignored in presented standing Direction.

The desperate attempt to blockade this Petition to Intervene, using irrelevant arguments is breaching the PSC Mission, therefore may create more public suspicions but shall not be a blockade of intervention with erroneous [created by DLT misleading] direction.

Respectfully submitted,



Joseph Wojcicki
820 East Steele Road
West Columbia, SC 29170-1125

June 28, 2013